IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Crl.L.P..No. 115 of 2007()

ST.280/2005 of J.M.F.C.-IV, KOCHI
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PETITIONER/COMPLAINANT:

M/S.HOT NET CABLE PVT.,LTD HAVING ITS
REGISTERED OFFICE AT ARAVINDALAYAM, NKS ROAD,
PACHALAM POST, COCHIN-12.

BY ADV. SRI.DEVAN RAMACHANDRAN
SRI.SUMESH KUMAR N.C.

RESPONDENTS: ACCUSED
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1. PRINCE JOSE, S/O.U.M.JOSE,
MANAKKEL HOUSE, THANNICKAL, POTTANKUZHI.

2. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

R2-BY P.P.SRI.P.RAVINDRA BABU

THIS CRIMINAL LEAVE PETITION HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. THANKAPPAN, J.

Crl.L.P.No. 115 OF 2007

Dated this the 26th day of February, 2007.

O R D E R

This is an application for special leave to appeal be filed against the judgment of the trial court in S.T.No.280/2005 on the file of the Judicial Magistrate of First Class-IV, Kochi. The learned Magistrate had considered the circumstances under which the 1st respondent has been acquitted under Section 256(1) of the Code of Criminal Procedure. The trial magistrate had found that several adjournments were given for adducing the evidence by the complainant/petitioner herein, but the complainant failed to appear before the court and lastly on 5.12.2006, the Magistrate had passed the impugned order. After going through the order, this Court is of the view that the Magistrate is fully justified in acquitting the accused on the reason of non-appearance of the petitioner/complainant. However, the learned counsel appearing for the petitioner/complainant submits that there is a chance for the parties to have compromise of the matter and that apart, the absence of

the petitioner was due to the reason that he was away for his business purpose. Considering all these grounds, this Court is inclined to admit the case imposing a penalty of Rs.1,500/= on the petitioner. Accordingly, the petition is allowed provided the petitioner remits an amount of Rs.1,500/= to the Legal Services Committee of the High Court within one month from today. On payment of the amount and on production of the receipt, the leave application stands allowed.

K. THANKAPPAN, JUDGE.

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